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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,468	06/23/2003	Alex J. Draughon	03292.101700.	7233
66569	7590	11/13/2008		
FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER	
			PICH, PONNOREAY	
			ART UNIT	PAPER NUMBER
			2435	
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			11/13/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/601,468	DRAUGHON ET AL.
	<b>Examiner</b> PONNOREAY PICH	Art Unit 2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 July 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 and 9-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 and 9-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/0256/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-7 and 9-19 are pending.

#### ***Response to Amendment and Arguments***

Applicant's amendments were fully considered. Applicant's arguments directed at the amended claims were fully considered, but are moot in view of new rejections made below. The rejections are made in response to applicant's amendments.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-7, 9-10, 12-14, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janacek et al (US 6,684,248) in view of Poplawski et al (US 2003/0208441)

#### **Claim 1:**

Janacek discloses:

1. Storing a message in a database (col 3, line 66-col 4, line 2; col 4, line 26-29; col 6, lines 6-9; and col 8, lines 42-51).
2. Associating the message with an intended recipient by a first identifier, i.e. Nuid or email address of the recipient (col 4, line 48-col 5, line 6; col 7, lines 15-17; and col 8, lines 15-17).

3. Notifying the intended recipient using a notification message (i.e. email message) of the message stored in the database, wherein the notification message contains an address of or a link to a website (col 5, lines 7-12 and col 8, lines 64-67).
4. Providing the website for the intended recipient to view the message (col 5, lines 13-36).
5. Authenticating the intended recipient using a second identifier associated with the intended recipient (col 5, lines 13-36; col 8, lines 3-17; and col 11, lines 20-24).
6. Searching the database to find messages for the intended recipient by matching the first identifier (col 6, lines 15-18 and 27-31; col 7, lines 22-64; col 8, lines 15-17; and col 10, lines 62-67).
7. Displaying the message for the intended recipient (col 5, lines 33-36).

Janacek does not disclose wherein if there is no second identifier associated with the intended recipient, the intended recipient is prompted to create or register a second identifier. However, Poplawski discloses of a message alert system in which if there is no second identifier (i.e. username and password) associated with the intended recipient, the intended recipient is prompted to create or register a second identifier (paragraphs 29 and 38-40; and Fig 5).

At the time applicant's invention was made, it would have been obvious to one skilled in the art to modify Janacek's invention such that rather than automatically

creating a second identifier for the intended recipient if there is no second identifier associated with the intended recipient, Janacek's invention instead prompted the intended recipient to create or register a second identifier. It would have been obvious to do so because replacing the mechanism in which the second identifier is created in Janacek's invention using the one used by Poplawski's invention is simple substitution of one known element for another to obtain predictable results. Both mechanisms accomplish the same end result of creating a second identifier.

**Claim 9:**

Janacek discloses:

1. Storing at least one private message in a secure database (col 3, line 66-col 4, line 2; col 4, line 26-29; col 6, lines 6-9; and col 8, lines 42-51).
2. Associating the private message with a first identifier (i.e. Nuid or intended recipient's email address) corresponding to an intended customer recipient, wherein the first identifier includes an account number (col 4, line 48-col 5, line 6; col 7, lines 15-17; col 8, lines 15-17; and col 10, lines 62-67).
3. Notifying the intended customer recipient by electronic mail of the private message stored in the secure database, wherein the electronic mail contains an address of or a link to a secure website (col 5, lines 7-12 and col 8, lines 64-67).
4. Providing the secure website for the intended customer recipient to view the private message (col 5, lines 13-36).

5. Authenticating the intended customer recipient to view the private message at the secure website using a second identifier associated with the intended recipient (col 5, lines 13-36; col 8, lines 3-17; and col 11, lines 20-24).
6. Searching the secure database for the first identifier to find the private message to be viewed by the intended customer recipient (col 6, lines 15-18 and 27-31; col 7, lines 22-64; col 8, lines 15-17; and col 10, lines 62-67).
7. Displaying the private message associated with the intended customer recipient (col 5, lines 33-36).

Janacek does not disclose wherein if there is no second identifier associated with the intended customer recipient, the intended customer recipient is prompted to create or register a second identifier. However, Poplawski discloses of a message alert system in which if there is no second identifier (i.e. username and password) associated with the intended recipient, the intended recipient is prompted to create or register a second identifier (paragraphs 29 and 38-40; and Fig 5).

At the time applicant's invention was made, it would have been obvious to one skilled in the art to modify Janacek's invention such that rather than automatically creating a second identifier for the intended customer recipient if there is no second identifier associated with the intended customer recipient, Janacek's invention instead prompted the intended customer recipient to create or register a second identifier. It would have been obvious to do so because replacing the mechanism in which the second identifier is created in Janacek's invention using the one used by Poplawski's

invention is simple substitution of one known element for another to obtain predictable results. Both mechanisms accomplish the same end result of creating a second identifier.

**Claim 2:**

Janacek further discloses wherein the first identifier is an account number (col 4, line 61-col 5, line 1 and col 10, lines 62-67).

**Claim 3:**

Janacek further discloses wherein the second identifier is a combination of a user identification and a password (col 5, lines 13-36; col 8, lines 3-17; and col 11, lines 20-24).

**Claims 5 and 12:**

Janacek further discloses wherein the message includes a message portion; and an attachment file in a format that is different from a format of the message portion (col 4, lines 48-56).

**Claims 6 and 13:**

Janacek further discloses a step of encrypting the website to view messages using an encryption method (col 8, lines 23-27). SSL uses encryption.

**Claims 7 and 14:**

Janacek further discloses wherein the encryption method is SSL (col 8, lines 23-27).

**Claim 10:**

Janacek further discloses wherein the private message includes at least one of customer account information, a financial statement, a special offer, a response to an inquiry, and a transaction confirmation (col 4, lines 48-53; col 8, lines 64-67; and col 10, lines 7-16).

**Claims 15 and 18:**

Janacek and Poplawski disclose all the limitations of claims 1 and 9. Poplawski further disclose providing a second address of or link to a secure webpage on the secure website, the secure webpage containing the message, after successfully authenticating the intended recipient (paragraphs 10, 29, 44, and 46).

**Claim 17:**

Janacek further discloses wherein the second identifier is at least one of a user identification, an email address, and a password (col 5, lines 13-36; col 8, lines 3-17; and col 11, lines 20-24).

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janacek et al (US 6,684,248) in view of Poplawski et al (US 2003/0208441) in further view of Fung et al (US 2002/0055909).

**Claims 4 and 11:**

Janacek does not explicitly disclose wherein the second identifier is/includes a physical characteristic of the intended (customer) recipient identifiable by a biometric

identification system. However, Fung discloses use of an identifier that is a physical characteristic of the user that is identifiable by a biometric identification system (paragraphs 148-149).

At the time applicant's invention was made, it would have been obvious to one skilled in the art to modify Janacek's invention such that after a user is authenticated via a password as the second identifier the first time, a biometric identification system was used in place of the password as part of the second identifier as per Fung's teachings according to the limitations further recited in claims 4 and 11. One skilled would have been motivated to do so because a biometric identifier is more secure than a password since it cannot be forgotten by the user.

Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janacek et al (US 6,684,248) in view of Poplawski et al (US 2003/0208441) in further view of Choubey et al (US 7,305,430).

**Claims 16 and 19:**

Janacek and Poplawski disclose all the limitations of claims 1 and 9. Janacek does not explicitly disclose wherein if the private message has multiple intended (customer) recipients, a separate copy of the private message is not stored in the database for each intended (customer) recipient. However, Choubey discloses the limitation (col 1, lines 55-61).

At the time applicant's invention was made, it would have been obvious to one skilled in the art to further modify Janacek's invention such that if the private message has multiple intended (customer) recipients, a separate copy of the private message is not stored in the database for each intended (customer) recipient as per Choubey's teachings. One skilled would have been motivated to do so because it would reduce data storage requirements associated with the email message (Choubey: col 1, lines 57-61).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PONNOREAY PICH whose telephone number is (571)272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Ponnoreay Pich/  
Examiner, Art Unit 2435  
/Kimyen Vu/  
Supervisory Patent Examiner, Art Unit 2435*